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Maureen K Fitzpatrick


DATE

Attorney Docket No. B45197

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wettendorff

Serial No.: 10/070,468

Group Art Unit: 1648

Filed: 1 October 2002

Examiner: L. Scheiner

For: VACCINE AGAINST HBV AND HPV

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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**REPLY TO REQUIREMENT TO RESTRICT UNDER 35 U.S.C. §
121 AND 372**

Sir:

In response to the Restriction Requirement for the above captioned application mailed on 6 January 2004, Applicants provide the following reply. Please charge any additional fees that may be required in support of this paper to Deposit Account No. 19-2570.

REMARKS

The Examiner requests restriction to one of the following groups:

Group I, claim(s) 19-24, 31 drawn to a vaccine composition comprising an HBV and HPV antigens.

Group II, claim(s) 19-26, 31 and 56, drawn to a vaccine composition comprising HBV, HPV and EBV antigens.

Group III, claim(s) 19-24, 27, 29, 31 and 56, drawn to a vaccine composition comprising an HBV, HPV and HAV antigens.

Group IV, claim(s) 19-26, 28, 30, 31 and 56, drawn to a vaccine comprising HBV, HPV, EBV and HAV antigens.

Group V, claim(s) 19-24, 31, 32, 35 and 56, drawn to a vaccine comprising HBV, HPV and VZV antigens.

Group VI, claim(s) 19-26, 31, 33, 36 and 56, drawn to a vaccine comprising HBV, HPV, EBV and VZV antigens.

Group VII, claim(s) 19-24, 27, 29, 31, 34, 37 and 56, drawn to a vaccine comprising HBV, HPV, HAV and VZV antigens.

Group VIII, claim(s) 19-24, 31, 38, 42 and 56, drawn to a vaccine comprising HBV, HPV and HCMV antigens.

Group IX, claim(s) 19-26, 31, 39, 43 and 56, drawn to a vaccine comprising HBV, HPV, EBV and HCMV antigens.

Group X, claim(s) 19-24, 27, 29, 31, 40, 44 and 56, drawn to a vaccine comprising HBV, HPV, HAV and HCMV antigens.

Group XI, claim(s) 19-24, 31, 32, 35, 41, 45 and 56, drawn to a vaccine comprising HBV, HPV, VZV and HCMV antigens.

Group XII, claim(s), 19-24, 31, 46, 51 and 56, drawn to a vaccine comprising HBV, HPV and *Toxoplasma gondii* antigens.

Group XIII, claim(s), 19-26, 31, 47, 52 and 56, drawn to a vaccine comprising HBV, HPV, EBV and *Toxoplasma gondii* antigens.

Group XIV, claim(s) 19-24, 27, 29, 31, 48, 53 and 56, drawn to a vaccine comprising HBV, HPV, HAV and *Toxoplasma gondii* antigens.

Group XV, claim(s) 19-24, 31, 32, 35, 49, 54 and 56, drawn to a vaccine comprising HBV, HPV, VZV and *Toxoplasma gondii* antigens.

Group XVI, claim(s) 19-24, 31, 38, 42, 50, 55 and 56, drawn to a vaccine comprising HBV, HPV, HCMV and Toxoplasma gondii antigens.

Applicants elect Examiner's Group I with traverse. Applicants respectfully assert that the special technical feature of each of the embodiments of the instant invention is the lack of immunological interference between HBV and HPV antigens in each of the claimed compositions. That is, this special technical feature is shared by each of the claimed vaccine compositions. Accordingly, the requirements of PCT Rules 13.1 and 13.2 are met, and the requirement to restrict should be withdrawn.

Respectfully submitted,



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